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DECISION RECORD

Environmental Assessment
DOI-BLM-ES-0030-2013-0007-EA
Expressions of Interest #1073, 1075, and OH1120

It is my decision to allow the Proposed Action to be implemented as described in the EA of Expressions of Interest #1073, 1075, and OH1120, located within the boundaries of the Blue Rock State Forest, Blue Rock and Salt Creek Townships, Muskingum County, Ohio, for a total of 4,525 acres. The EA and FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will grant exclusive rights to the lessee to develop Federally-owned oil and gas resources, but does not authorize any drilling and associated activities or obligate the company to drill any wells on the lease.

Authorities: The authority for this decision is contained in the Mineral Leasing Act of 1920, as amended; the Mineral Leasing Act for Acquired Lands of 1947, as amended; the Federal Land Policy and Management Act (FLPMA) of 1976; and the Energy Policy Act of 2005.

Compliance and Monitoring: This decision does not authorize any ground-disturbing activities. A BLM-approved Application for Permit to Drill (APD), Surface Plan for Operations (SUPO), and a site-specific environmental assessment are required to authorize ground-disturbing actions.

Terms / Conditions / Stipulations: Lease notices and stipulations are contained in Appendix B of the Expressions of Interest #1073, 1075, and OH1120 EA. Additionally, any purchaser of a Federal oil and gas lease is required to comply with all applicable Federal, State, and local laws and regulations including obtaining all necessary permits required prior to the commencement of project activities.

PLAN CONFORMANCE AND CONSISTENCY:

Currently there is no Resource Management Plan (RMP) or Land Use Plan (LUP) to address nominations of parcels for leasing of Federal oil and gas resources in the State of Ohio. The NSFO engaged in external scoping with the State of Ohio via e-mail correspondence, data-sharing, a conference call between the BLM and the Ohio Department of Natural Resources (ODNR) on July 12, 2012, and a site visit on July 31, 2012, in which BLM and ODNR staff participated.

The Federal planning regulation 43 CFR 1610.8 (b) (1) allows the Authorized Officer to make decisions on leasing actions:

If an action is proposed where public lands are not covered by a management framework plan or a resource management plan, an environmental assessment and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision, shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

Instruction Memorandum No. ES-2006-13 expounded on this guidance by requiring, at a minimum, that there is an opportunity for the public to provide input during the environmental analysis process. Public notification that an Environmental Assessment (EA) has been initiated will be provided through the Planning page on the BLM-ES website. A mandatory 30-day public review and comment period on the EA and Finding of No Significant Impact (FONSI) prior to the Decision Record being signed is incorporated into the current lease sale process through the BLM-ES Lease Sale website.

Alternatives Considered: The EA considered two alternatives: the no action alternative and the proposed action, which is the alternative recommended.

Rationale for Decision: The proposed action alternative was selected because the policy of the BLM is to promote oil and gas development if it meets the guidelines and regulations set forth by the National Environmental Policy Act of 1969 and other subsequent laws and policies passed by the U.S. Congress and to make Federal minerals available for economically feasible development in an environmentally sound manner.

Protest/Appeal Language: In accordance with 43 CFR 4.411 and 4.413, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision to the Interior Board of Land Appeals. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision. In accordance with 43 CFR 4.411 and 4.412, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR 4.21(b) and 4.413(a), an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer: Authorized Officer, BLM Eastern States Office, 7450 Boston Blvd., Springfield, VA 22153. **At this time, the BLM will not accept protests or appeals sent by electronic mail.** Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal, and any petition for stay, on any person named in the decision and listed at the end of the decision, and on the: Regional Solicitor, Northeast Region, U.S. Department of the Interior, One Gateway Center, Suite 612, Newton, MA 02458.

Pursuant to 43 CFR 4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.21(b)(2) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Authorized Officer:

Tony Herrell, Associate State Director
BLM Eastern States Office

Date